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December 6, 2021

VIA ECF

Hon. Paul G. Gardephe, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

**Re: Everytown for Gun Safety Action Fund, Inc. v. Defcad, Inc., et al.
Civil Action No. 21-cv-8704 (PGG)**

Dear Judge Gardephe:

We represent Defendants Defcad, Inc., Odysee User xYeexySZN, Defcad User xYeezySZN, The Gatalog, Defcad User Freeman1337, Twitter User xYeezySZN, and Phillip Royster (“Defendants”) in the above-referenced matter.

We write in furtherance of our request for leave to file an oversized brief.

As indicated in our previous letter of today, when recast in the correct 12-point sized font, the brief was slightly more than 53 pages. The subject matter of the brief can be cleanly divided into two main aspects. First, there is the substantive opposition to the Preliminary Injunction (“PI”) on its merits. Second, there is opposition to the PI based on lack of personal jurisdiction and improper venue. Each topic takes up almost exactly half of the brief. As such, each topic takes up slightly more than 25 pages.

In a different procedural posture, each of those topics would be a full topic that could properly be the subject of a full brief. In fact, but for the jurisdictional defects in this case, the brief in opposition to the PI would have been just a page or two over the 25 page limit (and could easily have been pared down to 25 pages absent the jurisdictional defects of the lawsuit).

Thus, the filed brief can be viewed as legitimately containing two topics each of which warrants a separate 25 page limit. We have already pared down the brief from 53 12-point pages to exactly 50 12-point pages with each topic taking up exactly half of the brief (that is, 25 pages each).

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Accordingly, if it meets with Your Honor's approval, we are prepare to refile the brief at 50 12-point pages with leave of Court. We believe this meets with the spirit of Your Honor's page limitations, and we ask that the Court approve this approach. Of course, we still consent to relief for the Plaintiff as to timing and its page length that would assist in addressing the size of our brief.

Thank you.

Respectfully submitted,

/s/ Daniel L. Schmutter

DANIEL L. SCHMUTTER

DLS/srs

cc: Marcella Ballard, Esq. (via ECF and email)
Meaghan Kent, Esq. (via ECF and email)